

CANCELLATION, RESTORATION, FORFEITED ANNUAL LEAVE - END OF YEAR GUIDANCE

IMPORTANT: The cancellation of annual leave is a separate step in the process for possible restoration of leave after pay period 1.

The following is guidance for timekeepers, employees and supervisors regarding the usage of leave at the end of the leave year. (End of Pay Period 26.) NOTE: Action is required before the end of pay period 23 of the leave year. Sample cancellation and restoration request memos are included at the end of these instructions.

Restoration of Forfeited Annual Leave - In accordance with the law (C.F.R. 630.308), to be considered for restoration of annual leave, "use of the annual leave must have been scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year." When an employee chooses not to request or use annual leave to avoid forfeiture, he or she is not entitled to have the forfeited leave restored.

Use-or-Lose Annual Leave Report - The National Finance Center (NFC) annual leave status reports are forwarded to T&A Contact Points. Supervisors should review these reports and ask employees to schedule annual leave which will exceed their 240-hour ceiling (SES staff and certain other employees have a higher leave ceilings). Scheduling of annual leave is a cooperative endeavor between the supervisor and the employee. Leave scheduling and considerations should reflect the needs of the mission and the wishes of the employee. While employees have an obligation to request annual leave in writing and in a timely manner, supervisors also have a responsibility of ensuring careful planning and scheduling of leave in order to avoid forfeiture of the leave.

CANCELLATION PROCEDURES:

SAMPLE MEMO: To request the approval of the CANCELLATION of annual leave, you may wish to use the attached sample memo. This memo contains pertinent information needed for the prompt and efficient processing of the cancellation of leave.

NASS, CSREES and ERS:

As guidance above states, the leave must be scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year. If at a later date, the supervisor finds that the leave must be canceled, a memo must be sent in a timely manner for formal cancellation according to the procedures below. Employees must attempt to reschedule leave (with supervisory approval) within the remainder of the leave year. Failure to attempt to reschedule the leave could result in forfeiture.

For approval of the cancellation of annual leave, a supervisor must request, via a memorandum to their agency head, cancellation of the leave and provide justification for the decision. See section on Decision Information..

ARS:

As guidance above states, the leave must be scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year. If at a later date, the supervisor finds that the leave must be canceled, a memo must be sent in a timely manner for formal cancellation according to the procedures below. Employees must attempt to reschedule leave (with supervisory approval) within the remainder of the leave year. Failure to attempt to reschedule the leave could result in forfeiture.

For approval of the annual leave cancellation, ARS supervisors must submit leave cancellation requests and justification for the decision, (See Section on Decision Information) directly to Keith Caldwell, Branch Chief, REE Policy Branch, ATTENTION: Judy Capozzi. Rather than use US Postal Service, you may Fax the signed cancellation request memo, along with copies of the signed leave slips to 301-504-1493 and keep the original copy with the T&A file in case it is needed.

These cancellation requests must be sent immediately when it is known that the employee cannot use the annual leave as scheduled. (Reminder this is a separate process to be done earlier than the request to restore leave.)

RESTORATION OF ANNUAL LEAVE

SAMPLE MEMO: To request the approval of the RESTORATION of annual leave, you may wish to use the attached sample memo. This memo contains pertinent information needed for the prompt and efficient processing of the restoration of annual leave.

NASS, CSREES, ERS and ARS

After pay period 01, proceed with the following steps:

1. Send a memo to the, Chief of the REE Policy Branch ATTENTION: Judy Capozzi asking that the hours be restored.
2. Attach the T&A printout of PP26 and PP1
3. Send copies of all approved leave slips that were submitted in writing before to the start of the third bi-weekly pay period prior to the end of the leave year.
4. Attach the memo that approved the cancellation of the leave
5. Fax all information to: 301-504-1493 (Please keep original in the T&A folder.) Or,

6. If preferred send to:

ATTENTION: Pay and Leave Staff
Branch Chief, REE Policy Branch, HRD, AFM, Stop 5103
5601 Sunnyside Avenue
Beltsville, Maryland, 20705-5103

After review, you will receive an e-mail memo stating whether or not the restoration was approved..

If we can be of assistance for any concern/s regarding leave cancellation or restoration, please contact Judy Capozzi on 301-504-1468 jcapozzi@ars.usda.gov , Ted Nykiel on 301-504-4426 tnykiel@ars.usda.gov or Denise Corbitt on 301-504-1443 dcorbitt@ars.usda.gov.

DECISION INFORMATION:

Annual leave hours in excess of the 240-hour leave ceiling may be restored under conditions 1 through 3 below:

1. Public Exigency - Only an exigency of major importance will support the cancellation of employees' annual leave (e.g., critical work assignments that cannot be postponed or performed by other employees). Supervisors must document that there were no reasonable alternatives to canceling the leave.
2. Employee Sickness - Supervisors must document that the period of sickness interfered with scheduled use of annual leave and the illness occurred too late in the year to permit rescheduling.
3. Administrative Error - Supervisors must request restoration of annual leave which was forfeited because of administrative error. Failure on the supervisor's part to either schedule requested annual leave or present cases to the proper officials for determinations of public exigency constitutes an administrative error.
4. Military - Serving in the military is not considered a reason for restoration of leave. If an employee is serving in the military and use or lose annual leave is subject to forfeiture, it is recommended that the employee use their annual leave rather than their military leave. Military leave can be rolled over from one fiscal year to another, not to exceed 240 hours in any given fiscal year.

Compensatory Time: Employees should use compensatory time earned no later than the end of the leave year following the year in which it was earned. Except when they have annual leave to use or lose late in the leave year, employees must use compensatory time earned before they use annual leave. Supervisors should ensure that employees use all compensatory time earned within the time allowed.

Donating Annual or Restored Leave: Employees who are unable to use all of their "use or lose" annual leave may donate the annual leave to the Voluntary Leave Transfer Program. Restored annual leave that is subject to forfeiture may also be donated. Those planning to donate this leave must do so no later than December 2, 2002.

The Leave Recipients List is e-mailed to all REE employees. The form REE-4 (Revised 9/98), "Donor Application - Leave Transfer Program (LTP)," may be accessed at the following website: <http://www.ars.usda.gov/afm/hrd/hrdhomepage/wpforms.htm>

Annual leave donors should complete the form and fax it to the Pay and Leave Staff/REE Policy Branch/HRD on 301-504-1493. Please do not fax and then also mail the same donation form.

If you have any question regarding the Voluntary Leave Transfer Program, please contact Alice Richmond on 301-504-1440, Karin Ring on 301-504-1466, or Judy Capozzi on 301-504-1468.

DATE:

SUBJECT: Cancellation of Annual Leave for (name of employee)

TO: ERS, CSREES, NASS send to Agency Head
ARS send directly to: , Branch Chief
REE Policy Branch, HRD, AFM

FROM: (Supervisor's name and title)

Due to (State the reason: Public Exigency, Employee Sickness, Administrative Error - provide justification for the decision.), is necessary to request cancellation of annual leave for (name of employee). I am requesting the approval of the cancellation of leave for the subject employee.

(NOTE: Please be specific about the work, illness, administrative error or military situation which caused the need for cancellation of leave during the time requested on the SF-71 forms.)

Additional Information:

Employee Name:
Title/Grade:
Social Security Number:
Duty Station Address:
Internet Address:

Dates leave can not be used: (List all days leave was scheduled in writing before the start of the third bi-weekly pay period prior to the end of the leave year.and now requesting for cancellation.)

Number of hours requested to be canceled:

Supervisor's Name:
Supervisor's Phone Number:
Supervisor's Internet Address:

Timekeeper's Name:
Timekeeper's Phone Number:
Timekeeper's Internet Address:

DATE:

SUBJECT: Restoration of Annual Leave for (name of employee)

TO: , Branch Chief
REE Policy Branch, HRD, AFM

THROUGH: ERS, CSREES, & NASS: send through Agency Head unless otherwise instructed
by your agency
ARS - fax directly to Branch Chief, REE Policy Branch

FROM: (Supervisor's name and title)

Due to (State the reason: Public Exigency, Employee Sickness, Administrative Error), annual leave was approved for cancellation for (name of employee). I am requesting the approval of restoration of the canceled leave.

Enclosed are printouts of the T&A's for PP-26 and PP-1, copies of leave slips that were submitted in writing before the start of the third bi-weekly pay period prior to the end of the leave year and a copy of the approval for cancellation of the leave requesting to be restored.

Additional Information:

Employee Name:
Title/Grade:
Social Security Number:
Duty Station Address:
Internet Address:

Dates of leave that was not used: (List all days leave was scheduled and then requesting to be restored.)

Number of hours requested for restoration:

Supervisor's Name:
Supervisor's Phone Number:
Supervisor's Internet Address:

Timekeeper's Name:
Timekeeper's Phone Number:
Timekeeper's Internet Address: